"बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी.2-22-छत्तीसगढ़ गजट / 38 सि. से. भिलाई, दिनांक 30-05-2001."

पंजीयन क्रमांक
"छत्तीसगढ़/दुर्ग/09/2013-2015."

छत्तीसगढ़ राजपत्र

(असाधारण)
प्राधिकार से प्रकाशित

क्रमांक 409] रायपुर, शुक्रवार, दिनांक 15 सितम्बर 2017 — भाद्रपद 24, शक 1939

विधि और विधायी कार्य विभाग
मंत्रालय, महानदी भवन, नया रायपुर

रायपुर, दिनांक 15 सितम्बर 2017

क्रमांक 8579/डी. 193/21-अ/प्रा./छ. ग./17.— भारत सरकार, विधि और न्याय मंत्रालय, विधायी विभाग के पत्र क्रमांक F. No.1(84)/2016-L. I, F. No.1(75)/2013-L. I, F. No.1(92)/2016-L. I, F. No.1(3)/2017-L. I, F. No.1(6)/2016-L. I, F. No.1(15)/2017-L. I, F. No.1(3)/2016-L. I एवं F. No.1(6)/2017-L. I, नई दिल्ली, दिनांक 01-06-2017 के अनुसरण में दि टेक्सेशन लाज (सेकण्ड अमेंडमेन्ट) एक्ट, 2016 (क्र. 48 सन् 2016) एतद्द्वारा सर्वसाधारण की जानकारी हेतु पुन: प्रकाशित की जाती है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
व्ही. के. होता, अतिरिक्त सचिव.

THE TAXATION LAWS (SECOND AMENDMENT) ACT, 2016

AN
ACT

further to amend the Income-tax Act, 1961 *and the Finance Act,* 2016.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

CHAPTER I
PRELIMINARY

Short title and commencement.

1. (*1*) This Act may be called the Taxation Laws (Second Amendment) Act, 2016.

(*2*) Save as otherwise provided in this Act, it shall come into force at once.

CHAPTER II
INCOME-TAX

43 of 1961.

Amendment of section 115BBE.

2. In the Income-tax Act, 1961 (hereinafter referred to as the Income-tax Act), in section 115BBE, for sub-section (*1*), the following sub-section shall be substituted with effect from the 1st day of April, 2017, namely:—

"(*1*) Where the total income of an assessee,—

(*a*) includes any income referred to in section 68, section 69, section 69A, section 69B, section 69C or section 69D and reflected in the return of income furnished under section 139; or

(*b*) determined by the Assessing Officer includes any income referred to in section 68, section 69, section 69A, section 69B, section 69C or section 69D, if such income is not covered under clause (*a*),

the income-tax payable shall be the aggregate of—

(*i*) the amount of income-tax calculated on the income referred to in clause (*a*) and clause (*b*), at the rate of sixty per cent.; and

(*ii*) the amount of income-tax with which the assessee would have been chargeable had his total income been reduced by the amount of income referred to in clause (*i*).".

Amendment of section 271AAB.

3. In the Income-tax Act, in section 271AAB,—

(*I*) in sub-section (*1*), after the words, figures and letters "the 1st day of July, 2012", the words, brackets and figures "but before the date on which the Taxation Laws (Second Amendment) Bill, 2016 receives the assent of the President" shall be inserted;

(*II*) after sub-section (*1*), the following sub-section shall be inserted, namely:—

"(*1A*) The Assessing Officer may, notwithstanding anything contained in any other provisions of this Act, direct that, in a case where search has been initiated under section 132 on or after the date on which the Taxation Laws (Second Amendment) Bill, 2016 receives the assent of the President, the assessee shall pay by way of penalty, in addition to tax, if any, payable by him,—

(*a*) a sum computed at the rate of thirty per cent. of the undisclosed income of the specified previous year, if the assessee—

(*i*) in the course of the search, in a statement under sub-section (*4*) of section 132, admits the undisclosed income and specifies the manner in which such income has been derived;

(*ii*) substantiates the manner in which the undisclosed income was derived; and

(*iii*) on or before the specified date—

(*A*) pays the tax, together with interest, if any, in respect of the undisclosed income; and

(*B*) furnishes the return of income for the specified previous year declaring such undisclosed income therein;

(*b*) a sum computed at the rate of sixty per cent. of the undisclosed income of the specified previous year, if it is not covered under the provisions of clause (*a*).";

(*III*) in sub-section (*2*), after the words, brackets and figure "in sub-section (*1*)", the words, brackets, figure and letter "or sub-section (*1A*)" shall be inserted.

Insertion of new section 271AAC.

4. In the Income-tax Act, after section 271AAB, the following section shall be inserted with effect from the 1st day of April, 2017, namely:—

Penalty in respect of certain income

"271AAC. (*1*) The Assessing Officer may, notwithstanding anything contained in this Act other than the provisions of section 271AAB, direct that, in a case where the income determined includes any income referred to in section 68, section 69, section 69A, section 69B, section 69C or section 69D for any previous year, the assessee shall pay by way of penalty, in addition to tax payable under section 115BBE, a sum computed at the rate of ten per cent. of the tax payable under clause (*i*) of sub-section (*1*) of section 115BBE:

Provided that no penalty shall be levied in respect of income referred to in section 68, section 69, section 69A, section 69B, section 69C or section 69D to the extent such income has been included by the assessee in the return of income

furnished under section 139 and the tax in accordance with the provisions of clause (*i*) of sub-section (*1*) of section 115BBE has been paid on or before the end of the relevant previous year.

(*2*) No penalty under the provisions of section 270A shall be imposed upon the assessee in respect of the income referred to in sub-section (*1*).

(*3*) The provisions of sections 274 and 275 shall, as far as may be, apply in relation to the penalty referred to in this section.".

CHAPTER III

FINANCE ACT

28 of 2016.

Amendment of section 2.

5. In the Finance Act, 2016,—

(*a*) in Chapter II, in section 2, in sub-section (*9*),—

(*i*) in the third proviso, the figures and letters "115BBE," shall be omitted;

(*ii*) after the sixth proviso, the following proviso shall be inserted, namely:—

'Provided also that in respect of any income chargeable to tax under clause (*i*) of sub-section (*1*) of section 115BBE of the Income-tax Act, the "advance tax" computed under the first proviso shall be increased by a surcharge, for the purposes of the Union, calculated at the rate of twenty-five per cent. of such advance tax.';

Insertion of new Chapter IX A.

(*b*) after Chapter IX, the following Chapter shall be inserted, namely:—

'CHAPTER IXA

TAXATION AND INVESTMENT REGIME FOR *PRADHAN MANTRI GARIB KALYAN YOJANA*, 2016

Short title and commencement.

199A. (*1*) This Scheme may be called the Taxation and Investment Regime for *Pradhan Mantri Garib Kalyan Yojana*, 2016.

(*2*) It shall come into force on such date as the Central Government may, by notification, in the Official Gazette, appoint.

Definitions.

199B. In this Scheme, unless the context otherwise requires,—

(*a*) "declarant" means a person making the declaration under sub-section (*1*) of section 199C;

43 of 1961.

(*b*) "Income-tax Act" means the Income-tax Act, 1961;

(*c*) "*Pradhan Mantri Garib Kalyan* Deposit Scheme, 2016" (hereinafter in this Chapter referred to as "the Deposit Scheme") means a scheme notified by the Central Government in consultation with the Reserve Bank of India in the Official Gazette; and

(*d*) all other words and expressions used in this Scheme but not defined and defined in the Income-tax Act shall have the meanings respectively assigned to them in that Act.

Declaration of undisclosed income.

199C. (*1*) Subject to the provisions of this Scheme, any person may make, on or after the date of commencement of this Scheme but on or before a date to be notified by the Central Government in the Official Gazette, a declaration in respect of any income, in the form of cash or deposit in an account maintained by the person with a specified entity, chargeable to tax under the Income-tax Act for any assessment year commencing on or before the 1st day of April, 2017.

(*2*) No deduction in respect of any expenditure or allowance or set-off of any loss shall be allowed against the income in respect of which a declaration under sub-section (*1*) is made.

Explanation.— For the purposes of this section, "specified entity" shall mean—

(*i*) the Reserve Bank of India;

(*ii*) any banking company or co-operative bank, to which the Banking Regulation Act, 1949 applies (including any bank or banking institution referred to in section 51 of that Act); 10 of 1949.

(*iii*) any Head Post Office or Sub-Post Office; and

(*iv*) any other entity as may be notified by the Central Government in the Official Gazette in this behalf.

Charge of tax and surcharge.

199D. (*1*) Notwithstanding anything contained in the Income-tax Act or in any Finance Act, the undisclosed income declared under sub-section (*1*) of section 199C within the time specified therein shall be chargeable to tax at the rate of thirty per cent. of the undisclosed income.

(*2*) The amount of tax chargeable under sub-section (*1*) shall be increased by a surcharge, for the purposes of the Union, to be called the *Pradhan Mantri Garib Kalyan* Cess calculated at the rate of thirty-three per cent. of such tax so as to fulfil the commitment of the Government for the welfare of the economically weaker sections of the society.

Penalty.

199E. Notwithstanding anything contained in the Income-tax Act or in any Finance Act, the person making a declaration under sub-section (*1*) of section 199C shall, in addition to tax and surcharge charged under section 199D, be liable to pay penalty at the rate of ten per cent. of the undisclosed income.

Deposit of undisclosed income.

199F. (*1*) Notwithstanding anything contained in the Income-tax Act or in any other law for the time being in force, the person making a declaration under sub-section (*1*) of section 199C, shall deposit an amount which shall not be less than twenty-five per cent. of the undisclosed income in the *Pradhan Mantri Garib Kalyan* Deposit Scheme, 2016.

(*2*) The deposit shall bear no interest and the amount deposited shall be allowed to be withdrawn after four years from the date of deposit and shall also fulfil such other conditions as may be specified in the *Pradhan Mantri Garib Kalyan* Deposit Scheme, 2016.

Manner of declaration.

199G. A declaration under sub-section (*1*) of section 199C shall be made by a person competent to verify the return of income under section 140 of the Income-tax Act, to the Principal Commissioner or the Commissioner notified in the Official Gazette for this purpose and shall be in such form and verified in such manner, as may be prescribed.

Time for payment of tax, penalty, surcharge and deposit.

199H. (*1*) The tax and surcharge payable under section 199D and penalty payable under section 199E in respect of the undisclosed income, shall be paid before filing of declaration under sub-section (*1*) of section 199C.

(*2*) The amount referred to in sub-section (*1*) of section 199F shall be deposited before the filing of declaration under sub-section (*1*) of section 199C.

(*3*) The declaration under sub-section (*1*) of section 199C shall be accompanied by the proof of deposit referred to in sub-section (*1*) of section 199F, payment of tax, surcharge and penalty under section 199D and section 199E, respectively.

Undisclosed income declared not to be included in total income.

199-I. The amount of undisclosed income declared in accordance with sub-section (*1*) of section 199C shall not be included in the total income of the declarant for any assessment year under the Income-tax Act.

Undisclosed income declared not to affect finality of completed assessments.

199J. A declarant under this Scheme shall not be entitled, in respect of undisclosed income referred to in section 199C or any amount of tax and surcharge paid thereon, to re-open any assessment or reassessment made under the Income-tax Act or the Wealth-tax Act, 1957, or to claim any set-off or relief in any appeal, reference or other proceeding in relation to any such assessment or reassessment. 27 of 1957.

199K. Any amount of tax and surcharge paid under section 199D or penalty paid under section 199E shall not be refundable.

Tax, etc., not refundable.

199L. Nothwithstanding anything contained in any other law for the time being in force, nothing contained in any declaration made under sub-section (*1*) of section 199C shall be admissible in evidence against the declarant for the purpose of any proceeding under any Act other than the Acts mentioned in section 199-O.

Declaration not admissible in evidence against declarant.

199M. Notwithstanding anything contained in this Scheme, where a declaration has been made by misrepresentation or suppression of facts or without payment of tax and surcharge under section 199D or penalty under section 199E or without depositing the amount in the Deposit Scheme as per the provisions of section 199F, such declaration shall be void and shall be deemed never to have been made under this Scheme.

Declaration by misrepresentation of facts to be void.

199N. The provisions of Chapter XV of the Income-tax Act relating to liability in special cases and of section 119, section 138 and section 189 of that Act shall, so far as may be, apply in relation to proceedings under this Scheme as they apply in relation to proceedings under the Income-tax Act.

Applicability of certain provisions of Income-tax Act.

199-O. The provisions of this Scheme shall not apply—

Scheme not to apply to certain persons.

(*a*) in relation to any person in respect of whom an order of detention has been made under the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974:

52 of 1974.

Provided that—

(*i*) such order of detention, being an order to which the provisions of section 9 or section 12A of the said Act do not apply, has not been revoked on the report of the Advisory Board under section 8 of the said Act or before the receipt of the report of the Advisory Board; or

(*ii*) such order of detention, being an order to which the provisions of section 9 of the said Act apply, has not been revoked before the expiry of the time for, or on the basis of, the review under sub-section (*3*) of section 9, or on the report of the Advisory Board under section 8, read with sub-section (*2*) of section 9, of the said Act; or

(*iii*) such order of detention, being an order to which the provisions of section 12A of the said Act apply, has not been revoked before the expiry of the time for, or on the basis of, the first review under sub-section (*3*) of that section, or on the basis of the report of the Advisory Board under section 8, read with sub-section (*6*) of section 12A, of the said Act; or

(*iv*) such order of detention has not been set aside by a court of competent jurisdiction;

(*b*) in relation to prosecution for any offence punishable under Chapter IX or Chapter XVII of the Indian Penal Code, the Narcotic Drugs and Psychotropic Substances Act, 1985, the Unlawful Activities (Prevention) Act, 1967, the Prevention of Corruption Act, 1988, the Prohibition of *Benami* Property Transactions Act, 1988 and the Prevention of Money-Laundering Act, 2002;

45 of 1860.
61 of 1985.
37 of 1967.
49 of 1988.
45 of 1988.
15 of 2003.

(*c*) to any person notified under section 3 of the Special Court (Trial of Offences Relating to Transactions in Securities) Act, 1992;

27 of 1992.

(*d*) in relation to any undisclosed foreign income and asset which is chargeable to tax under the Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax Act, 2015

22 of 2015.

199P. For the removal of doubts, it is hereby declared that save as otherwise expressely provided in sub-section (*1*) of section 199C, nothing contained in this

Removal of doubts.

Scheme shall be construed as conferring any benefit, concession or immunity on any person other than the person making the declaration under this Scheme.

Power to remove difficulties.

199Q. (*1*) If any difficulty arises in giving effect to the provisions of this Scheme, the Central Government may, by order, not inconsistent with the provisions of this Scheme, remove the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date on which the provisions of this Scheme come into force.

(*2*) Every order made under this section shall be laid before each House of Parliament.

Power to make rules.

199R. (*1*) The Board may, subject to the control of the Central Government, by notification in the Official Gazette, make rules for carrying out the provisions of this Scheme.

(*2*) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the form and manner of declaration and verification to be made under section 199G; and

(*b*) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made, by rules.

(*3*) Every rule made under this Scheme shall be laid, as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.'.

संचालक, मुद्रण तथा लेखन सामग्री, छत्तीसगढ़ द्वारा शासकीय मुद्रणालय, रायपुर से मुद्रित तथा प्रकाशित - 2017.

"बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी.2-22-छत्तीसगढ़ गजट / 38 सि. से. भिलाई, दिनांक 30-05-2001."

पंजीयन क्रमांक
"छत्तीसगढ़/दुर्ग/09/2013-2015."

छत्तीसगढ़ राजपत्र

(असाधारण)
प्राधिकार से प्रकाशित

क्रमांक 409-A] रायपुर, शुक्रवार, दिनांक 15 सितम्बर 2017 — भाद्रपद 24, शक 1939

विधि और विधायी कार्य विभाग
मंत्रालय, महानदी भवन, नया रायपुर

रायपुर, दिनांक 15 सितम्बर 2017

क्रमांक 8579/डी. 193/21-अ/प्रा./छ. ग./17.— भारत सरकार, विधि और न्याय मंत्रालय, विधायी विभाग के पत्र क्रमांक F. No.1(84)/2016-L. I, F. No.1(75)/2013-L. I, F. No.1(92)/2016-L. I, F. No.1(3)/2017-L. I, F. No.1(6)/2016-L. I, F. No.1(15)/2017-L. I, F. No.1(3)/2016-L. I एवं F. No.1(6)/2017-L. I, नई दिल्ली, दिनांक 01-06-2017 के अनुसरण में दि राइट्स आफ पर्सनस् विद डिसेबिलिटिस् एक्ट, 2016 (क्र. 49 सन् 2016) एतद्द्वारा सर्वसाधारण की जानकारी हेतु पुन: प्रकाशित की जाती है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
व्ही. के. होता, अतिरिक्त सचिव.

THE RIGHTS OF PERSONS WITH DISABILITIES ACT 2016

CHAPTER I

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RIGHTS AND ENTITLEMENTS

CHAPTER III

EDUCATION

CHAPTER IV

SKILL DEVELOPMENT AND EMPLOYMENT

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SOCIAL SECURITY, HEALTH REHABILITATION AND RECREATION

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THE RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016

AN
ACT

to give effect to the United Nations Convention on the Rights of Persons with Disabilities and for matters connected therewith or incidental thereto.

WHEREAS the United Nations General Assembly adopted its Convention on the Rights of Persons with Disabilities on the 13th day of December, 2006;

AND WHEREAS the aforesaid Convention lays down the following principles for empowerment of persons with disabilities,—

(*a*) respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;

(*b*) non-discrimination;

(*c*) full and effective participation and inclusion in society;

(*d*) respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;

(*e*) equality of opportunity;

(*f*) accessibility;

(*g*) equality between men and women;

(*h*) respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities;

AND WHEREAS India is a signatory to the said Convention;

AND WHEREAS India ratified the said Convention on the 1st day of October, 2007;

AND WHEREAS it is considered necessary to implement the Convention aforesaid.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title and commencement.

1. (*1*) This Act may be called the Rights of Persons with Disabilities Act, 2016.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "appellate authority" means an authority notified under sub-section (*3*) of section 14 or sub-section (*1*) of section 53 or designated under sub-section (*1*) of section 59, as the case may be;

(*b*) "appropriate Government" means,—

(*i*) in relation to the Central Government or any establishment wholly or substantially financed by that Government, or a Cantonment Board constituted under the Cantonments Act, 2006, the Central Government;

41 of 2006.

(*ii*) in relation to a State Government or any establishment, wholly or substantially financed by that Government, or any local authority, other than a Cantonment Board, the State Government.

(*c*) "barrier" means any factor including communicational, cultural, economic, environmental, institutional, political, social, attitudinal or structural factors which hampers the full and effective participation of persons with disabilities in society;

(*d*) "care-giver" means any person including parents and other family Members who with or without payment provides care, support or assistance to a person with disability;

(*e*) "certifying authority" means an authority designated under sub-section (*1*) of section 57;

(*f*) "communication" includes means and formats of communication, languages, display of text, Braille, tactile communication, signs, large print, accessible multimedia, written, audio, video, visual displays, sign language, plain-language, human-reader, augmentative and alternative modes and accessible information and communication technology;

(*g*) "competent authority" means an authority appointed under section 49;

(*h*) "discrimination" in relation to disability, means any distinction, exclusion, restriction on the basis of disability which is the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field and includes all forms of discrimination and denial of reasonable accommodation;

(*i*) "establishment" includes a Government establishment and private establishment;

(*j*) "Fund" means the National Fund constituted under section 86;

(*k*) "Government establishment" means a corporation established by or under a Central Act or State Act or an authority or a body owned or controlled or aided by the Government or a local authority or a Government company as defined in section 2 of the Companies Act, 2013 and includes a Department of the Government;

18 of 2013.

(*l*) "high support" means an intensive support, physical, psychological and otherwise, which may be required by a person with benchmark disability for daily activities, to take independent and informed decision to access facilities and participating in all areas of life including education, employment, family and community life and treatment and therapy;

(*m*) "inclusive education" means a system of education wherein students with and without disability learn together and the system of teaching and learning is suitably adapted to meet the learning needs of different types of students with disabilities;

(*n*) "information and communication technology" includes all services and innovations relating to information and communication, including telecom services, web based services, electronic and print services, digital and virtual services;

(*o*) "institution" means an institution for the reception, care, protection, education, training, rehabilitation and any other activities for persons with disabilities;

(*p*) "local authority" means a Municipality or a Panchayat, as defined in clause (*e*) and clause (*f*) of article 243P of the Constitution; a Cantonment Board constituted under the Cantonments Act, 2006; and any other authority established under an Act of Parliament or a State Legislature to administer the civic affairs;

41 of 2006.

(*q*) "notification" means a notification published in the Official Gazette and the expression "notify" or "notified" shall be construed accordingly;

(*r*) "person with benchmark disability" means a person with not less than forty per cent. of a specified disability where specified disability has not been defined in measurable terms and includes a person with disability where specified disability has been defined in measurable terms, as certified by the certifying authority;

(*s*) "person with disability" means a person with long term physical, mental, intellectual or sensory impairment which, in interaction with barriers, hinders his full and effective participation in society equally with others;

(*t*) "person with disability having high support needs" means a person with benchmark disability certified under clause (*a*) of sub-section (*2*) of section 58 who needs high support;

(*u*) "prescribed" means prescribed by rules made under this Act;

(*v*) "private establishment" means a company, firm, cooperative or other society, associations, trust, agency, institution, organisation, union, factory or such other establishment as the appropriate Government may, by notification, specify;

(*w*) "public building" means a Government or private building, used or accessed by the public at large, including a building used for educational or vocational purposes, workplace, commercial activities, public utilities, religious, cultural, leisure or recreational activities, medical or health services, law enforcement agencies, reformatories or judicial foras, railway stations or platforms, roadways bus stands or terminus, airports or waterways;

(*x*) "public facilities and services" includes all forms of delivery of services to the public at large, including housing, educational and vocational trainings, employment

and career advancement, shopping or marketing, religious, cultural, leisure or recreational, medical, health and rehabilitation, banking, finance and insurance, communication, postal and information, access to justice, public utilities, transportation;

(*y*) "reasonable accommodation" means necessary and appropriate modification and adjustments, without imposing a disproportionate or undue burden in a particular case, to ensure to persons with disabilities the enjoyment or exercise of rights equally with others;

(*z*) "registered organisation" means an association of persons with disabilities or a disabled person organisation, association of parents of persons with disabilities, association of persons with disabilities and family members, or a voluntary or non-governmental or charitable organisation or trust, society, or non-profit company working for the welfare of the persons with disabilities, duly registered under an Act of Parliament or a State Legislature;

(*za*) "rehabilitation" refers to a process aimed at enabling persons with disabilities to attain and maintain optimal, physical, sensory, intellectual, psychological environmental or social function levels;

(*zb*) "Special Employment Exchange" means any office or place established and maintained by the Government for the collection and furnishing of information, either by keeping of registers or otherwise, regarding—

(*i*) persons who seek to engage employees from amongst the persons with disabilities;

(*ii*) persons with benchmark disability who seek employment;

(*iii*) vacancies to which persons with benchmark disabilities seeking employment may be appointed;

(*zc*) "specified disability" means the disabilities as specified in the Schedule;

(*zd*) "transportation systems" includes road transport, rail transport, air transport, water transport, para transit systems for the last mile connectivity, road and street infrastructure, etc. ;

(*ze*) "universal design" means the design of products, environments, programmes and services to be usable by all people to the greatest extent possible, without the need for adaptation or specialised design and shall apply to assistive devices including advanced technologies for particular group of persons with disabilities.

CHAPTER II

RIGHTS AND ENTITLEMENTS

Equality and non-discrimination.

3. (*1*) The appropriate Government shall ensure that the persons with disabilities enjoy the right to equality, life with dignity and respect for his or her integrity equally with others.

(*2*) The appropriate Government shall take steps to utilise the capacity of persons with disabilities by providing appropriate environment.

(*3*) No person with disability shall be discriminated on the ground of disability, unless it is shown that the impugned act or omission is a proportionate means of achieving a legitimate aim.

(*4*) No person shall be deprived of his or her personal liberty only on the ground of disability.

(*5*) The appropriate Government shall take necessary steps to ensure reasonable accommodation for persons with disabilities.

4. (*1*) The appropriate Government and the local authorities shall take measures to ensure that the women and children with disabilities enjoy their rights equally with others.

Women and children with disabilities.

(*2*) The appropriate Government and local authorities shall ensure that all children with disabilities shall have right on an equal basis to freely express their views on all matters affecting them and provide them appropriate support keeping in view their age and disability.".

5. (*1*) The persons with disabilities shall have the right to live in the community.

Community life.

(*2*) The appropriate Government shall endeavour that the persons with disabilities are,—

(*a*) not obliged to live in any particular living arrangement; and

(*b*) given access to a range of in-house, residential and other community support services, including personal assistance necessary to support living with due regard to age and gender.

6. (*1*) The appropriate Government shall take measures to protect persons with disabilities from being subjected to torture, cruel, inhuman or degrading treatment.

Protection from cruelty and inhuman treatment.

(*2*) No person with disability shall be a subject of any research without,—

(*i*) his or her free and informed consent obtained through accessible modes, means and formats of communication; and

(*ii*) prior permission of a Committee for Research on Disability constituted in the prescribed manner for the purpose by the appropriate Government in which not less than half of the Members shall themselves be either persons with disabilities or Members of the registered organisation as defined under clause (*z*) of section 2.

7. (*1*) The appropriate Government shall take measures to protect persons with disabilities from all forms of abuse, violence and exploitation and to prevent the same, shall—

Protection from abuse, violence and exploitation.

(*a*) take cognizance of incidents of abuse, violence and exploitation and provide legal remedies available against such incidents;

(*b*) take steps for avoiding such incidents and prescribe the procedure for its reporting;

(*c*) take steps to rescue, protect and rehabilitate victims of such incidents; and

(*d*) create awareness and make available information among the public.

(*2*) Any person or registered organisation who or which has reason to believe that an act of abuse, violence or exploitation has been, or is being, or is likely to be committed against any person with disability, may give information about it to the Executive Magistrate within the local limits of whose jurisdiction such incidents occur.

(*3*) The Executive Magistrate on receipt of such information, shall take immediate steps to stop or prevent its occurrence, as the case may be, or pass such order as he deems fit for the protection of such person with disability including an order—

(*a*) to rescue the victim of such act, authorising the police or any organisation working for persons with disabilities to provide for the safe custody or rehabilitation of such person, or both, as the case may be;

(*b*) for providing protective custody to the person with disability, if such person so desires;

(*c*) to provide maintenance to such person with disability.

(*4*) Any police officer who receives a complaint or otherwise comes to know of abuse,
45 violence or exploitation towards any person with disability shall inform the aggrieved person of—

(*a*) his or her right to apply for protection under sub-section (*2*) and the particulars of the Executive Magistrate having jurisdiction to provide assistance;

(*b*) the particulars of the nearest organisation or institution working for the rehabilitation of persons with disabilities;

(*c*) the right to free legal aid; and

(*d*) the right to file a complaint under the provisions of this Act or any other law dealing with such offence:

Provided that nothing in this section shall be construed in any manner as to relieve the police officer from his duty to proceed in accordance with law upon receipt of information as to the commission of a cognizable offence.

(*5*) If the Executive Magistrate finds that the alleged act or behaviour constitutes an offence under the Indian Penal Code, or under any other law for the time being in force, he may forward the complaint to that effect to the Judicial or Metropolitan Magistrate, as the case may be, having jurisdiction in the matter. 45 of 1860.

Protection and safety.

8. (*1*) The persons with disabilities shall have equal protection and safety in situations of risk, armed conflict, humanitarian emergencies and natural disasters.

(*2*) The National Disaster Management Authority and the State Disaster Management Authority shall take appropriate measures to ensure inclusion of persons with disabilities in its disaster management activities as defined under clause (*e*) of section 2 of the Disaster Management Act, 2005 for the safety and protection of persons with disabilities. 53 of 2005.

(*3*) The District Disaster Management Authority constituted under section 25 of the Disaster Management Act, 2005 shall maintain record of details of persons with disabilities in the district and take suitable measures to inform such persons of any situations of risk so as to enhance disaster preparedness. 53 of 2005.

(*4*) The authorities engaged in reconstruction activities subsequent to any situation of risk, armed conflict or natural disasters shall undertake such activities, in consultation with the concerned State Commissioner, in accordance with the accessibility requirements of persons with disabilities.

Home and family.

9. (*1*) No child with disability shall be separated from his or her parents on the ground of disability except on an order of competent court, if required, in the best interest of the child.

(*2*) Where the parents are unable to take care of a child with disability, the competent court shall place such child with his or her near relations, and failing that within the community in a family setting or in exceptional cases in shelter home run by the appropriate Government or non-governmental organisation, as may be required.

Reproductive rights.

10. (*1*) The appropriate Government shall ensure that persons with disabilities have access to appropriate information regarding reproductive and family planning.

(*2*) No person with disability shall be subject to any medical procedure which leads to infertility without his or her free and informed consent.

Accessibility in voting.

11. The Election Commission of India and the State Election Commissions shall ensure that all polling stations are accessible to persons with disabilities and all materials related to the electoral process are easily understandable by and accessible to them.

Access to justice.

12. (*1*) The appropriate Government shall ensure that persons with disabilities are able to exercise the right to access any court, tribunal, authority, commission or any other body having judicial or quasi-judicial or investigative powers without discrimination on the basis of disability.

(*2*) The appropriate Government shall take steps to put in place suitable support measures for persons with disabilities specially those living outside family and those disabled requiring high support for exercising legal rights.

(*3*) The National Legal Services Authority and the State Legal Services Authorities constituted under the Legal Services Authorities Act, 1987 shall make provisions including reasonable accommodation to ensure that persons with disabilities have access to any scheme, programme, facility or service offered by them equally with others.

39 of 1987.

(*4*) The appropriate Government shall take steps to—

(*a*) ensure that all their public documents are in accessible formats;

(*b*) ensure that the filing departments, registry or any other office of records are supplied with necessary equipment to enable filing, storing and referring to the documents and evidence in accessible formats; and

(*c*) make available all necessary facilities and equipment to facilitate recording of testimonies, arguments or opinion given by persons with disabilities in their preferred language and means of communication.

Legal capacity.

13. (*1*) The appropriate Government shall ensure that the persons with disabilities have right, equally with others, to own or inherit property, movable or immovable, control their financial affairs and have access to bank loans, mortgages and other forms of financial credit.

(*2*) The appropriate Government shall ensure that the persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life and have the right to equal recognition everywhere as any other person before the law.

(*3*) When a conflict of interest arises between a person providing support and a person with disability in a particular financial, property or other economic transaction, then such supporting person shall abstain from providing support to the person with disability in that transaction:

Provided that there shall not be a presumption of conflict of interest just on the basis that the supporting person is related to the person with disability by blood, affinity or adoption.

(*4*) A person with disability may alter, modify or dismantle any support arrangement and seek the support of another:

Provided that such alteration, modification or dismantling shall be prospective in nature and shall not nullify any third party transaction entered into by the person with disability with the aforesaid support arrangement.

(*5*) Any person providing support to the person with disability shall not exercise undue influence and shall respect his or her autonomy, dignity and privacy.

Provision for guardianship.

14. (*1*) Notwithstanding anything contained in any other law for the time being in force, on and from the date of commencement of this Act, where a district court or any designated authority, as notified by the State Government, finds that a person with disability, who had been provided adequate and appropriate support but is unable to take legally binding decisions, may be provided further support of a limited guardian to take legally binding decisions on his behalf in consultation with such person, in such manner, as may be prescribed by the State Government:

Provided that the District Court or the designated authority, as the case may be, may grant total support to the person with disability requiring such support or where the limited guardianship is to be granted repeatedly, in which case, the decision regarding the support to be provided shall be reviewed by the Court or the designated authority, as the case may be, to determine the nature and manner of support to be provided.

Explanation.— For the purposes of this sub-section, "limited guardianship" means a system of joint decision which operates on mutual understanding and trust between the guardian and the person with disability, which shall be limited to a specific period and for specific decision and situation and shall operate in accordance to the will of the person with disability.

(*2*) On and from the date of commencement of this Act, every guardian appointed under any provision of any other law for the time being in force, for a person with disability shall be deemed to function as a limited guardian.

(*3*) Any person with disability aggrieved by the decision of the designated authority appointing a legal guardian may prefer an appeal to such appellate authority, as may be notified by the State Government for the purpose.

Designation of authorities to support.

15. *(1)* The appropriate Government shall designate one or more authorities to mobilise the community and create social awareness to support persons with disabilities in exercise of their legal capacity.

(*2*) The authority designated under sub-section (*1*) shall take measures for setting up suitable support arrangements to exercise legal capacity by persons with disabilities living in institutions and those with high support needs and any other measures as may be required.

CHAPTER III

EDUCATION

Duty of educational institutions.

16. The appropriate Government and the local authorities shall endeavour that all educational institutions funded or recognised by them provide inclusive education to the children with disabilities and towards that end shall—

(*i*) admit them without discrimination and provide education and opportunities for sports and recreation activities equally with others;

(*ii*) make building, campus and various facilities accessible;

(*iii*) provide reasonable accommodation according to the individual's requirements;

(*iv*) provide necessary support individualised or otherwise in environments that maximise academic and social development consistent with the goal of full inclusion;

(*v*) ensure that the education to persons who are blind or deaf or both is imparted in the most appropriate languages and modes and means of communication;

(*vi*) detect specific learning disabilities in children at the earliest and take suitable pedagogical and other measures to overcome them;

(*vii*) monitor participation, progress in terms of attainment levels and completion of education in respect of every student with disability;

(*viii*) provide transportation facilities to the children with disabilities and also the attendant of the children with disabilities having high support needs.

Specific measures to promote and facilitate inclusive education.

17. The appropriate Government and the local authorities shall take the following measures for the purpose of section 15, namely:—

(*a*) to conduct survey of school going children in every five years for identifying children with disabilities, ascertaining their special needs and the extent to which these are being met:

Provided that the first survey shall be conducted within a period of two years from the date of commencement of this Act;

(*b*) to establish adequate number of teacher training institutions;

(*c*) to train and employ teachers, including teachers with disability who are qualified in sign language and Braille and also teachers who are trained in teaching children with intellectual disability;

(*d*) to train professionals and staff to support inclusive education at all levels of school education;

(*e*) to establish adequate number of resource centres to support educational institutions at all levels of school education;

(*f*) to promote the use of appropriate augmentative and alternative modes including means and formats of communication, Braille and sign language to supplement the use of one's own speech to fulfill the daily communication needs of persons with speech, communication or language disabilities and enables them to participate and contribute to their community and society;

(*g*) to provide books, other learning materials and appropriate assistive devices to students with benchmark disabilities free of cost up to the age of eighteen years;

(*h*) to provide scholarships in appropriate cases to students with benchmark disability;

(*i*) to make suitable modifications in the curriculum and examination system to meet the needs of students with disabilities such as extra time for completion of examination paper, facility of scribe or amanuensis, exemption from second and third language courses;

(*j*) to promote research to improve learning; and

(*k*) any other measures, as may be required.

Adult education.

18. The appropriate Government and the local authorities shall take measures to promote, protect and ensure participation of persons with disabilities in adult education and continuing education programmes equally with others.

CHAPTER IV

SKILL DEVELOPMENT AND EMPLOYMENT

Vocational training and self-employment.

19. (*1*) The appropriate Government shall formulate schemes and programmes including provision of loans at concessional rates to facilitate and support employment of persons with disabilities especially for their vocational training and self-employment.

(*2*) The schemes and programmes referred to in sub-section (*1*) shall provide for—

(*a*) inclusion of person with disability in all mainstream formal and non-formal vocational and skill training schemes and programmes;

(*b*) to ensure that a person with disability has adequate support and facilities to avail specific training;

(*c*) exclusive skill training programmes for persons with disabilities with active links with the market, for those with developmental, intellectual, multiple disabilities and autism;

(*d*) loans at concessional rates including that of microcredit;

(*e*) marketing the products made by persons with disabilities; and

(*f*) maintenance of disaggregated data on the progress made in the skill training and self-employment, including persons with disabilities.

Non-discrimination in employment.

20. (*1*) No Government establishment shall discriminate against any person with disability in any matter relating to employment:

Provided that the appropriate Government may, having regard to the type of work carried on in any establishment, by notification and subject to such conditions, if any, exempt any establishment from the provisions of this section.

(*2*) Every Government establishment shall provide reasonable accommodation and appropriate barrier free and conducive environment to employees with disability.

(*3*) No promotion shall be denied to a person merely on the ground of disability.

(*4*) No Government establishment shall dispense with or reduce in rank, an employee who acquires a disability during his or her service:

Provided that, if an employee after acquiring disability is not suitable for the post he was holding, shall be shifted to some other post with the same pay scale and service benefits:

Provided further that if it is not possible to adjust the employee against any post, he may be kept on a supernumerary post until a suitable post is available or he attains the age of superannuation, whichever is earlier.

(*5*) The appropriate Government may frame policies for posting and transfer of employees with disabilities.

Equal opportunity policy.

21. (*1*) Every establishment shall notify equal opportunity policy detailing measures proposed to be taken by it in pursuance of the provisions of this Chapter in the manner as may be prescribed by the Central Government.

(*2*) Every establishment shall register a copy of the said policy with the Chief Commissioner or the State Commissioner, as the case may be.

Maintenance of records.

22. (*1*) Every establishment shall maintain records of the persons with disabilities in relation to the matter of employment, facilities provided and other necessary information in compliance with the provisions of this Chapter in such form and manner as may be prescribed by the Central Government.

(*2*) Every employment exchange shall maintain records of persons with disabilities seeking employment.

(*3*) The records maintained under sub-section (*1*) shall be open to inspection at all reasonable hours by such persons as may be authorised in their behalf by the appropriate Government.

Appointment of Grievance Redressal Officer.

23. (*1*) Every Government establishment shall appoint a Grievance Redressal Officer for the purpose of section 19 and shall inform the Chief Commissioner or the State Commissioner, as the case may be, about the appointment of such officer.

(*2*) Any person aggrieved with the non-compliance of the provisions of section 20, may file a complaint with the Grievance Redressal Officer, who shall investigate it and shall take up the matter with the establishment for corrective action.

(*3*) The Grievance Redressal Officer shall maintain a register of complaints in the manner as may be prescribed by the Central Government, and every complaint shall be inquired within two weeks of its registration.

(*4*) If the aggrieved person is not satisfied with the action taken on his or her complaint, he or she may approach the District-Level Committee on disability.

CHAPTER V

SOCIAL SECURITY, HEALTH, REHABILITATION AND RECREATION

Social security.

24. (*1*) The appropriate Government shall within the limit of its economic capacity and development formulate necessary schemes and programmes to safeguard and promote the right of persons with disabilities for adequate standard of living to enable them to live independently or in the community:

Provided that the quantum of assistance to the persons with disabilities under such schemes and programmes shall be at least twenty-five per cent. higher than the similar schemes applicable to others.

(*2*) The appropriate Government while devising these schemes and programmes shall give due consideration to the diversity of disability, gender, age, and socio-economic status.

(*3*) The schemes under sub-section (*1*) shall provide for,—

(*a*) community centres with good living conditions in terms of safety, sanitation, health care and counselling;

(*b*) facilities for persons including children with disabilities who have no family or have been abandoned, or are without shelter or livelihood;

(*c*) support during natural or man-made disasters and in areas of conflict;

(*d*) support to women with disability for livelihood and for upbringing of their children;

(*e*) access to safe drinking water and appropriate and accessible sanitation facilities especially in urban slums and rural areas;

(*f*) provisions of aids and appliances, medicine and diagnostic services and corrective surgery free of cost to persons with disabilities with such income ceiling as may be notified;

(*g*) disability pension to persons with disabilities subject to such income ceiling as may be notified;

(*h*) unemployment allowance to persons with disabilities registered with Special Employment Exchange for more than two years and who could not be placed in any gainful occupation;

(*i*) care-giver allowance to persons with disabilities with high support needs;

(*j*) comprehensive insurance scheme for persons with disability, not covered under the Employees State Insurance Schemes, or any other statutory or Government-sponsored insurance schemes;

(*k*) any other matter which the appropriate Government may think fit.

Healthcare.

25. (*1*) The appropriate Government and the local authorities shall take necessary measures for the persons with disabilities to provide,—

(*a*) free healthcare in the vicinity specially in rural area subject to such family income as may be notified;

(*b*) barrier-free access in all parts of Government and private hospitals and other healthcare institutions and centres;

(*c*) priority in attendance and treatment.

(*2*) The appropriate Government and the local authorities shall take measures and make schemes or programmes to promote healthcare and prevent the occurrence of disabilities and for the said purpose shall—

(*a*) undertake or cause to be undertaken surveys, investigations and research concerning the cause of occurrence of disabilities;

(*b*) promote various methods for preventing disabilities;

(*c*) screen all the children at least once in a year for the purpose of identifying "at-risk" cases;

(*d*) provide facilities for training to the staff at the primary health centres;

(*e*) sponsor or cause to be sponsored awareness campaigns and disseminate or cause to be disseminated information for general hygiene, health and sanitation;

(*f*) take measures for pre-natal, perinatal and post-natal care of mother and child;

(*g*) educate the public through the pre-schools, schools, primary health centres, village level workers and *anganwadi* workers;

(*h*) create awareness amongst the masses through television, radio and other mass media on the causes of disabilities and the preventive measures to be adopted;

(*i*) healthcare during the time of natural disasters and other situations of risk;

(*j*) essential medical facilities for life saving emergency treatment and procedures; and

(*k*) sexual and reproductive healthcare especially for women with disability.

Insurance schemes.

26. The appropriate Government shall, by notification, make insurance schemes for their employees with disabilities.

Rehabilitation.

27. (*1*) The appropriate Government and the local authorities shall within their economic capacity and development, undertake or cause to be undertaken services and programmes of

rehabilitation, particularly in the areas of health, education and employment for all persons with disabilities.

(*2*) For the purposes of sub-section (*1*), the appropriate Government and the local authorities may grant financial assistance to non-Governmental Organisations.

(*3*) The appropriate Government and the local authorities, while formulating rehabilitation policies shall consult the non-Governmental Organisations working for the cause of persons with disabilities.

Research and development.

28. The appropriate Government shall initiate or cause to be initiated research and development through individuals and institutions on issues which shall enhance habilitation and rehabilitation and on such other issues which are necessary for the empowerment of persons with disabilities.

Culture and recreation.

29. The appropriate Government and the local authorities shall take measures to promote and protect the rights of all persons with disabilities to have a cultural life and to participate in recreational activities equally with others which include,—

(*a*) facilities, support and sponsorships to artists and writers with disability to pursue their interests and talents;

(*b*) establishment of a disability history museum which chronicles and interprets the historical experiences of persons with disabilities;

(*c*) making art accessible to persons with disabilities;

(*d*) promoting recreation centres, and other associational activities;

(*e*) facilitating participation in scouting, dancing, art classes, outdoor camps and adventure activities;

(*f*) redesigning courses in cultural and arts subjects to enable participation and access for persons with disabilities;

(*g*) developing technology, assistive devices and equipments to facilitate access and inclusion for persons with disabilities in recreational activities; and

(*h*) ensuring that persons with hearing impairment can have access to television programmes with sign language interpretation or sub-titles.

Sporting activities.

30. (*1*) The appropriate Government shall take measures to ensure effective participation in sporting activities of the persons with disabilities.

(*2*) The sports authorities shall accord due recognition to the right of persons with disabilities to participate in sports and shall make due provisions for the inclusion of persons with disabilities in their schemes and programmes for the promotion and development of sporting talents.

(*3*) Without prejudice to the provisions contained in sub-sections (*1*) and (*2*), the appropriate Government and the sports authorities shall take measures to,—

(*a*) restructure courses and programmes to ensure access, inclusion and participation of persons with disabilities in all sporting activities;

(*b*) redesign and support infrastructure facilities of all sporting activities for persons with disabilities;

(*c*) develop technology to enhance potential, talent, capacity and ability in sporting activities of all persons with disabilities;

(*d*) provide multi-sensory essentials and features in all sporting activities to ensure effective participation of all persons with disabilities;

(*e*) allocate funds for development of state of art sport facilities for training of persons with disabilities;

(*f*) promote and organise disability specific sporting events for persons with disabilities and also facilitate awards to the winners and other participants of such sporting events.

CHAPTER VI

SPECIAL PROVISIONS FOR PERSONS WITH BENCHMARK DISABIILITES

Free education for children with benchmark disabilities.

31. *(1)* Notwithstanding anything contained in the Rights of Children to Free and Compulsory Education Act, 2009, every child with benchmark disability between the age of six to eighteen years shall have the right to free education in a neighbourhood school, or in a special school, of his choice.

35 of 2009.

(*2*) The appropriate Government and local authorities shall ensure that every child with benchmark disability has access to free education in an appropriate environment till he attains the age of eighteen years.

Reservation in higher educational institutions.

32. *(1)* All Government institutions of higher education and other higher education institutions receiving aid from the Government shall reserve not less than five per cent. seats for persons with benchmark disabilities.

(*2*) The persons with benchmark disabilities shall be given an upper age relaxation of five years for admission in institutions of higher education.

Identification of posts for reservation.

33. The appropriate Government shall—

(*i*) identify posts in the establishments which can be held by respective category of persons with benchmark disabilities in respect of the vacancies reserved in accordance with the provisions of section 34;

(*ii*) constitute an expert committee with representation of persons with benchmark disabilities for identification of such posts; and

(*iii*) undertake periodic review of the identified posts at an interval not exceeding three years.

Reservation.

34. *(1)* Every appropriate Government shall appoint in every Government establishment, not less than four per cent. of the total number of vacancies in the cadre strength in each group of posts meant to be filled with persons with benchmark disabilities of which, one per cent. each shall be reserved for persons with benchmark disabilities under clauses (*a*), (*b*) and (*c*) and one per cent. for persons with benchmark disabilities under clauses (*d*) and (*e*), namely:—

(*a*) blindness and low vision;

(*b*) deaf and hard of hearing;

(*c*) locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy;

(*d*) autism, intellectual disability, specific learning disability and mental illness;

(*e*) multiple disabilities from amongst persons under clauses (*a*) to (*d*) including deaf-blindness in the posts identified for each disabilities:

Provided that the reservation in promotion shall be in accordance with such instructions as are issued by the appropriate Government from time to time:

Provided further that the appropriate Government, in consultation with the Chief Commissioner or the State Commissioner, as the case may be, may, having regard to the type of work carried out in any Government establishment, by notification and subject to such conditions, if any, as may be specified in such notifications exempt any Government establishment from the provisions of this section.

(*2*) Where in any recruitment year any vacancy cannot be filled up due to non-availability of a suitable person with benchmark disability or for any other sufficient reasons, such vacancy shall be carried forward in the succeeding recruitment year and if in the succeeding recruitment year also suitable person with benchmark disability is not available, it may first be filled by interchange among the five categories and only when there is no person with disability available for the post in that year, the employer shall fill up the vacancy by appointment of a person, other than a person with disability:

Provided that if the nature of vacancies in an establishment is such that a given category of person cannot be employed, the vacancies may be interchanged among the five categories with the prior approval of the appropriate Government.

(*3*) The appropriate Government may, by notification, provide for such relaxation of upper age limit for employment of persons with benchmark disability, as it thinks fit.

Incentives to employers in private sector.

35. The appropriate Government and the local authorities shall, within the limit of their economic capacity and development, provide incentives to employer in private sector to ensure that at least five per cent. of their work force is composed of persons with benchmark disability.

Special employment exchange.

36. The appropriate Government may, by notification, require that from such date, the employer in every establishment shall furnish such information or return as may be prescribed by the Central Government in relation to vacancies appointed for persons with benchmark disability that have occurred or are about to occur in that establishment to such special employment exchange as may be notified by the Central Government and the establishment shall thereupon comply with such requisition. 10

Special schemes and development programmes.

37. The appropriate Government and the local authorities shall, by notification, make schemes in favour of persons with benchmark disabilities, to provide,—

(*a*) five per cent. reservation in allotment of agricultural land and housing in all relevant schemes and development programmes, with appropriate priority to women with benchmark disabilities;

(*b*) five per cent. reservation in all poverty alleviation and various developmental schemes with priority to women with benchmark disabilities;

(*c*) five per cent. reservation in allotment of land on concessional rate, where such land is to be used for the purpose of promoting housing, shelter, setting up of occupation, business, enterprise, recreation centres and production centres.

CHAPTER VII

SPECIAL PROVISIONS FOR PERSONS WITH DISABILITIES WITH HIGH SUPPORT NEEDS

Special provisions for persons with disabilities with high support.

38. (*1*) Any person with benchmark disability, who considers himself to be in need of high support, or any person or organisation on his or her behalf, may apply to an authority, to be notified by the appropriate Government, requesting to provide high support.

(*2*) On receipt of an application under sub-section (*1*), the authority shall refer it to an Assessment Board consisting of such Members as may be prescribed by the Central Government.

(*3*) The Assessment Board shall assess the case referred to it under sub-section (*1*) in such manner as may be prescribed by the Central Government, and shall send a report to the authority certifying the need of high support and its nature.

(*4*) On receipt of a report under sub-section (*3*), the authority shall take steps to provide support in accordance with the report and subject to relevant schemes and orders of the appropriate Government in this behalf.

CHAPTER VIII

DUTIES AND RESPONSIBILITIES OF APPROPRIATE GOVERNMENTS

Awareness campaigns.

39. (*1*) The appropriate Government, in consultation with the Chief Commissioner or the State Commissioner, as the case may be, shall conduct, encourage, support or promote awareness campaigns and sensitisation programmes to ensure that the rights of the persons with disabilities provided under this Act are protected.

(*2*) The programmes and campaigns specified under sub-section (*1*) shall also,—

(*a*) promote values of inclusion, tolerance, empathy and respect for diversity;

(*b*) advance recognition of the skills, merits and abilities of persons with disabilities and of their contributions to the workforce, labour market and professional fee;

(*c*) foster respect for the decisions made by persons with disabilities on all matters related to family life, relationships, bearing and raising children;

(*d*) provide orientation and sensitisation at the school, college, University and professional training level on the human condition of disability and the rights of persons with disabilities;

(*e*) provide orientation and sensitisation on disabling conditions and rights of persons with disabilities to employers, administrators and co-workers;

(*f*) ensure that the rights of persons with disabilities are included in the curriculum in Universities, colleges and schools.

Accessibility.

40. The Central Government shall, in consultation with the Chief Commissioner, formulate rules for persons with disabilities laying down the standards of accessibility for the physical environment, transportation, information and communications, including appropriate technologies and systems, and other facilities and services provided to the public in urban and rural areas.

Access to transport.

41. (*1*) The appropriate Government shall take suitable measures to provide,—

(*a*) facilities for persons with disabilities at bus stops, railway stations and airports conforming to the accessibility standards relating to parking spaces, toilets, ticketing counters and ticketing machines;

(*b*) access to all modes of transport that conform the design standards, including retrofitting old modes of transport, wherever technically feasible and safe for persons with disabilities, economically viable and without entailing major structural changes in design;

(*c*) accessible roads to address mobility necessary for persons with disabilities.

(*2*) The appropriate Government shall develop schemes programmes to promote the personal mobility of persons with disabilities at affordable cost to provide for,—

(*a*) incentives and concessions;

(*b*) retrofitting of vehicles; and

(*c*) personal mobility assistance.

Access to information and communication technology.

42. The appropriate Government shall take measures to ensure that,—

(*i*) all contents available in audio, print and electronic media are in accessible format;

(*ii*) persons with disabilities have access to electronic media by providing audio description, sign language interpretation and close captioning;

(*iii*) electronic goods and equipment which are meant for every day use are available in universal design.

Consumer goods.

43. The appropriate Government shall take measures to promote development, production and distribution of universally designed consumer products and accessories for general use for persons with disabilities.

Mandatory observance of accessibility norms.

44. (*1*) No establishment shall be granted permission to build any structure if the building plan does not adhere to the rules formulated by the Central Government under section 40.

(*2*) No establishment shall be issued a certificate of completion or allowed to take occupation of a building unless it has adhered to the rules formulated by the Central Government.

Time lim. for makin existing infrastructu and premises accessible and action for that purpose.

45. (*1*) All existing public buildings shall be made accessible in accordance with the rules formulated by the Central Government within a period not exceeding five years from the date of notification of such rules:

Provided that the Central Government may grant extension of time to the States on a case to case basis for adherence to this provision depending on their state of preparedness and other related parameters.

(2) The appropriate Government and the local authorities shall formulate and publish an action plan based on prioritisation, for providing accessibility in all their buildings and spaces providing essential services such as all primary health centres, civil hospitals, schools, railway stations and bus stops.

Time limit for accessibility by service providers.

46. The service providers whether Government or private shall provide services in accordance with the rules on accessibility formulated by the Central Government under section 40 within a period of two years from the date of notification of such rules:

Provided that the Central Government in consultation with the Chief Commissioner may grant extension of time for providing certain category of services in accordance with the said rules.

Human resource development.

47. (*1*) Without prejudice to any function and power of Rehabilitation Council of India constituted under the Rehabilitation Council of India Act, 1992, the appropriate Government shall endeavour to develop human resource for the purposes of this Act and to that end shall,—

34 of 1992.

(*a*) mandate training on disability rights in all courses for the training of Panchayati Raj Members, legislators, administrators, police officials, judges and lawyers;

(*b*) induct disability as a component for all education courses for schools, colleges and University teachers, doctors, nurses, para-medical personnel, social welfare officers, rural development officers, asha workers, *anganwadi* workers, engineers, architects, other professionals and community workers;

(*c*) initiate capacity building programmes including training in independent living and community relationships for families, members of community and other stakeholders and care providers on care giving and support;

(*d*) ensure independence training for persons with disabilities to build community relationships on mutual contribution and respect;

(*e*) conduct training programmes for sports teachers with focus on sports, games, adventure activities;

(*f*) any other capacity development measures as may be required.

(*2*) All Universities shall promote teaching and research in disability studies including establishment of study centres for such studies.

(*3*) In order to fulfil the obligation stated in sub-section (*1*), the appropriate Government shall in every five years undertake a need based analysis and formulate plans for the recruitment, induction, sensitisation, orientation and training of suitable personnel to undertake the various responsibilities under this Act.

Social audit.

48. The appropriate Government shall undertake social audit of all general schemes and programmes involving the persons with disabilities to ensure that the scheme and programmes do not have an adverse impact upon the persons with disabilities and need the requirements and concerns of persons with disabilities.

CHAPTER IX

REGISTRATION OF INSTITUTIONS FOR PERSONS WITH DISABILITIES AND GRANTS TO SUCH INSTITUTIONS

Competent authority.

49. The State Government shall appoint an authority as it deems fit to be a competent authority for the purposes of this Chapter.

Registration.

50. Save as otherwise provided under this Act, no person shall establish or maintain any institution for persons with disabilities except in accordance with a certificate of registration issued in this behalf by the competent authority:

Provided that an institution for care of mentally ill persons, which holds a valid licence under section 8 of the Mental Health Act, 1987 or any other Act for the time being in force, shall not be required to be registered under this Act.

14 of 1987.

Application and grant of certificate of registration.

51. *(1)* Every application for a certificate of registration shall be made to the competent authority in such form and in such manner as may be prescribed by the State Government.

(2) On receipt of an application under sub-section *(1)*, the competent authority shall make such enquiries as it may deem fit and on being satisfied that the applicant has complied with the requirements of this Act and the rules made thereunder, it shall grant a certificate of registration to the applicant within a period of ninety days of receipt of application and if not satisfied, the competent authority shall, by order, refuse to grant the certificate applied for:

Provided that before making any order refusing to grant a certificate, the competent authority shall give the applicant a reasonable opportunity of being heard and every order of refusal to grant a certificate shall be communicated to the applicant in writing.

(3) No certificate of registration shall be granted under sub-section *(2)* unless the institution with respect to which an application has been made is in a position to provide such facilities and meet such standards as may be prescribed by the State Government.

(4) The certificate of registration granted under sub-section *(2)* ,—

(a) shall, unless revoked under section 52 remain in force for such period as may be prescribed by the State Government;

(b) may be renewed from time to time for a like period; and

(c) shall be in such form and shall be subject to such conditions as may be prescribed by the State Government.

(5) An application for renewal of a certificate of registration shall be made not less than sixty days before the expiry of the period of validity.

(6) A copy of the certificate of registration shall be displayed by the institution in a conspicuous place.

(7) Every application made under sub-section *(1)* or sub-section *(5)* shall be disposed of by the competent authority within such period as may be prescribed by the State Government.

Revocation of registration.

52. *(1)* The competent authority may, if it has reason to believe that the holder of a certificate of registration granted under sub-section (2) of section 51 has,—

(a) made a statement in relation to any application for the issue or renewal of the certificate which is incorrect or false in material particulars; or

(b) committed or has caused to be committed any breach of rules or any conditions subject to which the certificate was granted,

it may, after making such inquiry, as it deems fit, by order, revoke the certificate:

Provided that no such order shall be made until an opportunity is given to the holder of the certificate to show cause as to why the certificate of registration shall not be revoked.

(2) Where a certificate of registration in respect of an institution has been revoked under sub-section *(1)*, such institution shall cease to function from the date of such revocation:

Provided that where an appeal lies under section 53 against the order of revocation, such institution shall cease to function,—

(a) where no appeal has been preferred immediately on the expiry of the period prescribed for the filing of such appeal; or

(b) where such appeal has been preferred, but the order of revocation has been upheld, from the date of the order of appeal.

(3) On the revocation of a certificate of registration in respect of an institution, the competent authority may direct that any person with disability who is an inmate of such institution on the date of such revocation, shall be—

(a) restored to the custody of his or her parent, spouse or lawful guardian, as the case may be; or

(*b*) transferred to any other institution specified by the competent authority.

(*4*) Every institution which holds a certificate of registration which is revoked under this section shall, immediately after such revocation, surrender such certificate to the competent authority.

Appeal.

53. (*1*) Any person aggrieved by the order of the competent authority refusing to grant a certificate of registration or revoking a certificate of registration may, within such period as may be prescribed by the State Government, prefer an appeal to such appellate authority, as may be notified by the State Government against such refusal or revocation.

(*2*) The order of the appellate authority on such appeal shall be final.

Act not to apply to institutions established or maintained by Central or State Government.

54. Nothing contained in this Chapter shall apply to an institution for persons with disabilities established or maintained by the Central Government or a State Government.

Assistance to registered institutions.

55. The appropriate Government may within the limits of their economic capacity and development, grant financial assistance to registered institutions to provide services and to implement the schemes and programmes in pursuance of the provisions of this Act.

CHAPTER X

CERTIFICATION OF SPECIFIED DISABILITIES

Guidelines for assessment of specified disabilities.

56. The Central Government shall notify guidelines for the purpose of assessing the extent of specified disability in a person.

Designation of certifying authorities.

57. (*1*) The appropriate Government shall designate persons, having requisite qualifications and experience, as certifying authorities, who shall be competent to issue the certificate of disability.

(*2*) The appropriate Government shall also notify the jurisdiction within which and the terms and conditions subject to which, the certifying authority shall perform its certification functions.

Procedure for certification.

58. (*1*) Any person with specified disability, may apply, in such manner as may be prescribed by the Central Government, to a certifying authority having jurisdiction, for issuing of a certificate of disability.

(*2*) On receipt of an application under sub-section (*1*), the certifying authority shall assess the disability of the concerned person in accordance with relevant guidelines notified under section 56, and shall, after such assessment, as the case may be,—

(*a*) issue a certificate of disability to such person, in such form as may be prescribed by the Central Government;

(*b*) inform him in writing that he has no specified disability.

(*3*) The certificate of disability issued under this section shall be valid across the country.

Appeal against a decision of certifying authority.

59. (*1*) Any person aggrieved with decision of the certifying authority, may appeal against such decision, within such time and in such manner as may be prescribed by the State Government, to such appellate authority as the State Government may designate for the purpose.

(*2*) On receipt of an appeal, the appellate authority shall decide the appeal in such manner as may be prescribed by the State Government.

CHAPTER XI

CENTRAL AND STATE ADVISORY BOARDS ON DISABILITY AND DISTRICT LEVEL COMMITTEE

Constitution of Central Advisory Board on Disability.

60. *(1)* The Central Government shall, by notification, constitute a body to be known as the Central Advisory Board on Disability to exercise the powers conferred on, and to perform the functions assigned to it, under this Act.

(*2*) The Central Advisory Board shall consist of,—

(*a*) the Minister in charge of Department of Disability Affairs in the Central Government, Chairperson, *ex officio*;

(*b*) the Minister of State in charge dealing with Department of Disability Affairs in the Ministry in the Central Government, Vice Chairperson, *ex officio*;

(*c*) three Members of Parliament, of whom two shall be elected by Lok Sabha and one by the Rajya Sabha, Members, *ex officio*;

(*d*) the Ministers in charge of Disability Affairs of all States and Administrators or Lieutenant Governors of the Union territories, Members, *ex officio*;

(*e*) Secretaries to the Government of India in charge of the Ministries or Departments of Disability Affairs, Social Justice and Empowerment, School Education and Literacy, and Higher Education, Women and Child Development, Expenditure, Personnel and Training, Administrative Reforms and Public Grievances, Health and Family Welfare, Rural Development, Panchayati Raj, Industrial Policy and Promotion, Urban Development, Housing and Urban Poverty Alleviation, Science and Technology, Communications and Information Technology, Legal Affairs, Public Enterprises, Youth Affairs and Sports, Road Transport and Highways and Civil Aviation, Members, *ex officio*;

(*f*) Secretary, National Institute of Transforming India (NITI) Aayog, Member, *ex officio;*

(*g*) Chairperson, Rehabilitation Council of India, Member, *ex officio*;

(*h*) Chairperson, National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities, Member, *ex officio*;

(*i*) Chairman-cum-Managing Director, National Handicapped Finance Development Corporation, Member, *ex officio*;

(*j*) Chairman-cum-Managing Director, Artificial Limbs Manufacturing Corporation, Member, *ex officio;*

(*k*) Chairman, Railway Board, Member, *ex officio*;

(*l*) Director-General, Employment and Training, Ministry of Labour and Employment, Member, *ex officio*;

(*m*) Director, National Council for Educational Research and Training, Member, *ex officio*;

(*n*) Chairperson, National Council of Teacher Education, Member, *ex officio*;

(*o*) Chairperson, University Grants Commission, Member, *ex officio*;

(*p*) Chairperson, Medical Council of India, Member, *ex officio*;

(*q*) Directors of the following Institutes:—

(*i*) National Institute for the Visually Handicapped, Dehradun;

(*ii*) National Institute for the Mentally Handicapped, Secundrabad;

(*iii*) Pandit Deen Dayal Upadhyay Institute for the Physically Handicapped, New Delhi;

(*iv*) Ali Yavar Jung National Institute for the Hearing Handicapped, Mumbai;

(*v*) National Institute for the Orthopaedically Handicapped, Kolkata;

(*vi*) National Institute of Rehabilitation Training and Research, Cuttack;

(*vii*) National Institute for Empowerment of Persons with Multiple Disabilities, Chennai;

(*viii*) National Institute for Mental Health and Sciences, Bangalore;

(*ix*) Indian Sign Language Research and Training Centre, New Delhi, Members, *ex officio;*

(*r*) Members to be nominated by the Central Government,—

(*i*) five Members who are experts in the field of disability and rehabilitation;

(*ii*) ten Members, as far as practicable, being persons with disabilities, to represent non-Governmental Organisations concerned with disabilities or disabled persons organisations:

Provided that out of the ten Members nominated, at least, five Members shall be women and at least one person each shall be from the Scheduled Castes and the Scheduled Tribes;

(*iii*) up to three representatives of national level chambers of commerce and industry;

(*s*) Joint Secretary to the Government of India dealing with the subject of disability policy, Member-Secretary, *ex officio*.

Terms and conditions of Service of members.

61. (*1*) Save as otherwise provided under this Act, a Member of the Central Advisory Board nominated under clause (*r*) of sub-section (*2*) of section 60 shall hold office for a term of three years from the date of his nomination:

Provided that such a Member shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

(*2*) The Central Government may, if it thinks fit, remove any Member nominated under clause (*r*) of sub-section (*2*) of section 60, before the expiry of his term of office after giving him a reasonable opportunity of showing cause against the same.

(*3*) A Member nominated under clause (*r*) of sub-section (*2*) of section 60 may at any time resign his office by writing under his hand addressed to the Central Government and the seat of the said Member shall thereupon becomes vacant.

(*4*) A casual vacancy in the Central Advisory Board shall be filled by a fresh nomination and the person nominated to fill the vacancy shall hold office only for the remainder of the term for which the Member in whose place he was so nominated.

(*5*) A Member nominated under sub-clause (*i*) or sub-clause (*iii*) of clause (*r*) of sub-section (*2*) of section 60 shall be eligible for renomination.

(*6*) The Members nominated under sub-clause (*i*) and sub-clause (*ii*) of clause (*r*) of sub-section (*2*) of section 60 shall receive such allowances as may be prescribed by the Central Government.

Disqualifications.

62. (*1*) No person shall be a Member of the Central Advisory Board, who —

(*a*) is, or at any time has been, adjudged insolvent or has suspended payment of his debts or has compounded with his creditors, or

(*b*) is of unsound mind and stands so declared by a competent court, or

(*c*) is, or has been, convicted of an offence which, in the opinion of the Central Government, involves moral turpitude, or

(*d*) is, or at any time has been, convicted of an offence under this Act, or

(*e*) has so abused his position in the opinion of the Central Government as a Member so as to render his continuance in the office is prejudicial interests of the general public.

(*2*) No order of removal shall be made by the Central Government under this section unless the Member concerned has been given a reasonable opportunity of showing cause against the same.

(*3*) Notwithstanding anything contained in sub-section (*1*) or sub-section (*5*) of section 61, a Member who has been removed under this section shall not be eligible for renomination as a Member.

Vacation of seats by Members.

63. If a Member of the Central Advisory Board becomes subject to any of the disqualifications specified in section 62, his seat shall become vacant.

Meetings of the Central Advisory Board on disability.

64. The Central Advisory Board shall meet at least once in every six months and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed.

Functions of Central Advisory Board on disability.

65. (*1*) Subject to the provisions of this Act, the Central Advisory Board on disability shall be the national-level consultative and advisory body on disability matters, and shall facilitate the continuous evolution of a comprehensive policy for the empowerment of persons with disabilities and the full enjoyment of rights.

(*2*) In particular and without prejudice to the generality of the foregoing provisions, the Central Advisory Board on disability shall perform the following functions, namely:—

(*a*) advise the Central Government and the State Governments on policies, programmes, legislation and projects with respect to disability;

(*b*) develop a national policy to address issues concerning persons with disabilities;

(*c*) review and coordinate the activities of all Departments of the Government and other Governmental and non-Governmental Organisations which are dealing with matters relating to persons with disabilities;

(*d*) take up the cause of persons with disabilities with the concerned authorities and the international organisations with a view to provide for schemes and projects for the persons with disabilities in the national plans;

(*e*) recommend steps to ensure accessibility, reasonable accommodation, non-discrimination for persons with disabilities *vis-à-vis* information, services and the built environment and their participation in social life;

(*f*) monitor and evaluate the impact of laws, policies and programmes to achieve full participation of persons with disabilities; and

(*g*) such other functions as may be assigned from time to time by the Central Government.

State Advisory Board on disability.

66. (*1*) Every State Government shall, by notification, constitute a body to be known as the State Advisory Board on disability to exercise the powers conferred on, and to perform the function assigned to it, under this Act.

(*2*) The State Advisory Board shall consist of—

(*a*) the Minister in charge of the Department in the State Government dealing with disability matters, Chairperson, *ex officio*;

(*b*) the Minister of State or the Deputy Minister in charge of the Department in the State Government dealing with disability matters, if any, Vice-Chairperson, *ex officio*;

(*c*) secretaries to the State Government in charge of the Departments of Disability Affairs, School Education, Literacy and Higher Education, Women and Child Development, Finance, Personnel and Training, Health and Family Welfare, Rural Development, Panchayati Raj, Industrial Policy and Promotion, Labour and Employment, Urban Development, Housing and Urban Poverty Alleviation, Science and Technology, Information Technology, Public Enterprises, Youth Affairs and Sports, Road Transport and any other Department, which the State Government considers necessary, Members, *ex officio;*

(*d*) three Members of the State Legislature of whom two shall be elected by the Legislative Assembly and one by the Legislative Council, if any, and where there is no Legislative Council, three Members shall be elected by the Legislative Assembly, Members, *ex officio*;

(*e*) Members to be nominated by the State Government:—

(*i*) five Members who are experts in the field of disability and rehabilitation;

(*ii*) five Members to be nominated by the State Government by rotation to represent the districts in such manner as may be prescribed:

Provided that no nomination under this sub-clause shall be made except on the recommendation of the district administration concerned;

(*iii*) ten persons as far as practicable, being persons with disabilities, to represent non-Governmental Organisations or associations which are concerned with disabilities:

Provided that out of the ten persons nominated under this clause, at least, five shall be women and at least one person each shall be from the Scheduled Castes and the Scheduled Tribes;

(*iv*) not more than three representatives of the State Chamber of Commerce and Industry;

(*f*) officer not below the rank of Joint Secretary in the Department dealing with disability matters in the State Government, Member-Secretary, *ex officio*.

Terms and conditions of service of Members.

67. (*1*) Save as otherwise provided under this Act, a Member of the State Advisory Board nominated under clause (*e*) of sub-section (2) of section 66, shall hold office for a term of three years from the date of his nomination:

Provided that such a Member shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

(*2*) The State Government may, if it thinks fit, remove any Member nominated under clause (*e*) of sub-section (*2*) of section 66, before the expiry of his term of office after giving him a reasonable opportunity of showing cause against the same.

(*3*) A Member nominated under clause (*e*) of sub-section (*2*) of section 66 may at any time resign his office by writing under his hand addressed to the State Government and the seat of the said Member shall thereupon become vacant.

(*4*) A casual vacancy in the State Advisory Board shall be filled by a fresh nomination and the person nominated to fill the vacancy shall hold office only for the remainder of the term for which the Member in whose place he was so nominated.

(*5*) A Member nominated under sub-clause (*i*) or sub-clause (*iii*) of clause (*e*) of sub-section (*2*) of section 66 shall be eligible for renomination.

(*6*) the Members nominated under sub-clause (*i*) and sub-clause (*ii*) of clause (*e*) of sub-section (*2*) of section 66 shall receive such allowances as may be prescribed by the State Government.

Disqualification.

68. (*1*) No person shall be a Member of the State Advisory Board, who—

(*a*) is, or at any time has been; adjudged insolvent or has suspended payment of his debts or has compounded with his creditors, or

(*b*) is of unsound mind and stands so declared by a competent court, or

(*c*) is, or has been, convicted of an offence which, in the opinion of the State Government, involves moral turpitude, or

(*d*) is, or at any time has been, convicted of an offence under this Act, or

(*e*) has so abused in the opinion of the State Government his position as a Member as to render his continuance in the State Advisory Board detrimental to the interests of the general public.

(*2*) No order of removal shall be made by the State Government under this section unless the Member concerned has been given a reasonable opportunity of showing cause against the same.

(*3*) Notwithstanding anything contained in sub-section (*1*) or sub-section (*5*) of section 67, a Member who has been removed under this section shall not be eligible for renomination as a Member.

Vacation of seats.

69. If a Member of the State Advisory Board becomes subject to any of the disqualifications specified in section 68 his seat shall become vacant.

Meetings of State Advisory Board on disability.

70. The State Advisory Board shall meet at least once in every six months and shall observe such rules or procedure in regard to the transaction of business at its meetings as may be prescribed by the State Government.

Functions of State Advisory Board on disability.

71. (*1*) Subject to the provisions of this Act, the State Advisory Board shall be the State-level consultative and advisory body on disability matters, and shall facilitate the continuous evolution of a comprehensive policy for the empowerment of persons with disabilities and the full enjoyment of rights.

(*2*) In particular and without prejudice to the generality of the foregoing provisions, the State Advisory Board on disability shall perform the following functions, namely:—

(*a*) advise the State Government on policies, programmes, legislation and projects with respect to disability;

(*b*) develop a State policy to address issues concerning persons with disabilities;

(*c*) review and coordinate the activities of all Departments of the State Government and other Governmental and non-Governmental Organisations in the State which are dealing with matters relating to persons with disabilities;

(*d*) take up the cause of persons with disabilities with the concerned authorities and the international organisations with a view to provide for schemes and projects for the persons with disabilities in the State plans;

(*e*) recommend steps to ensure accessibility, reasonable accommodation, non-discrimination for persons with disabilities, services and the built environment and their participation in social life on an equal basis with others;

(*f*) monitor and evaluate the impact of laws, policies and programmes designed to achieve full participation of persons with disabilities; and

(*g*) such other functions as may be assigned from time to time by the State Government.

District-level Committee on disability.

72. The State Government shall constitute District-level Committee on disability to perform such functions as may be prescribed by it.

Vacancies not to invalidate proceedings.

73. No act or proceeding of the Central Advisory Board on disability, a State Advisory Board on disability, or a District-level Committee on disability shall be called in question on the ground merely of the existence of any vacancy in or any defect in the constitution of such Board or Committee, as the case may be.

CHAPTER XII

CHIEF COMMISSIONER AND STATE COMMISSIONER FOR PERSONS WITH DISABILITIES

Appointment of Chief Commissioner and Commissioners.

74. (*1*) The Central Government may, by notification, appoint a Chief Commissioner for Persons with Disabilities (hereinafter referred to as the "Chief Commissioner") for the purposes of this Act.

(*2*) The Central Government may, by notification appoint two Commissioners to assist the Chief Commissioner, of which one Commissioner shall be a persons with disability.

(*3*) A person shall not be qualified for appointment as the Chief Commissioner or Commissioner unless he has special knowledge or practical experience in respect of matters relating to rehabilitation.

(*4*) The salary and allowances payable to and other terms and conditions of service (including pension, gratuity and other retirement benefits) of the Chief Commissioner and Commissioners shall be such as may be prescribed by the Central Government.

(*5*) The Central Government shall determine the nature and categories of officers and other employees required to assist the Chief Commissioner in the discharge of his functions and provide the Chief Commissioner with such officers and other employees as it thinks fit.

(*6*) The officers and employees provided to the Chief Commissioner shall discharge their functions under the general superintendence and control of the Chief Commissioner.

(*7*) The salaries and allowances and other conditions of service of officers and employees shall be such as may be prescribed by the Central Government.

(*8*) The Chief Commissioner shall be assisted by an advisory committee comprising of not more than eleven members drawn from the experts from different disabilities in such manner as may be prescribed by the Central Government.

Functions of Chief Commissioner.

75. (*1*) The Chief Commissioner shall—

(*a*) identify, *suo motu* or otherwise, the provisions of any law or policy, programme and procedures, which are inconsistent with this Act and recommend necessary corrective steps;

(*b*) inquire, *suo motu* or otherwise, deprivation of rights of persons with disabilities and safeguards available to them in respect of matters for which the Central Government is the appropriate Government and take up the matter with appropriate authorities for corrective action;

(*c*) review the safeguards provided by or under this Act or any other law for the time being in force for the protection of rights of persons with disabilities and recommend measures for their effective implementation;

(*d*) review the factors that inhibit the enjoyment of rights of persons with disabilities and recommend appropriate remedial measures;

(*e*) study treaties and other international instruments on the rights of persons with disabilities and make recommendations for their effective implementation;

(*f*) undertake and promote research in the field of the rights of persons with disabilities;

(*g*) promote awareness of the rights of persons with disabilities and the safeguards available for their protection;

(*h*) monitor implementation of the provisions of this Act and schemes, programmes meant for persons with disabilities;

(*i*) monitor utilisation of funds disbursed by the Central Government for the benefit of persons with disabilities; and

(*j*) perform such other functions as the Central Government may assign.

(*2*) The Chief Commissioner shall consult the Commissioners on any matter while discharging its functions under this Act.

Action of appropriate authorities on recommendation of Chief Commissioner.

76. Whenever the Chief Commissioner makes a recommendation to an authority in pursuance of clause (*b*) of section 75, that authority shall take necessary action on it, and inform the Chief Commissioner of the action taken within three months from the date of receipt of the recommendation:

Provided that where an authority does not accept a recommendation, it shall convey reasons for non-acceptance to the Chief Commissioner within a period of three months, and shall also inform the aggrieved person.

Powers of Chief Commissioner.

77. (*1*) The Chief Commissioner shall, for the purpose of discharging his functions under this Act, have the same powers of a civil court as are vested in a court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely:—

5 of 1908.

(*a*) summoning and enforcing the attendance of witnesses;

(*b*) requiring the discovery and production of any documents;

(*c*) requisitioning any public record or copy thereof from any court or office;

(*d*) receiving evidence on affidavits; and

(*e*) issuing commissions for the examination of witnesses or documents.

(*2*) Every proceeding before the Chief Commissioner shall be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code and the Chief Commissioner shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

45 of 1860.

2 of 1974.

Annual and special reports by Chief Commissioner.

78. (*1*) The Chief Commissioner shall submit an annual report to the Central Government and may at any time submit special reports on any matter, which, in his opinion, is of such urgency or importance that it shall not be deferred till submission of the annual report.

(*2*) The Central Government shall cause the annual and the special reports of the Chief Commissioner to be laid before each House of Parliament, along with a memorandum of action taken or proposed to be taken on his recommendations and the reasons for non-acceptance the recommendations, if any.

(*3*) The annual and special reports shall be prepared in such form, manner and contain such details as may be prescribed by the Central Government.

Appointment of State Commissioner in States.

79. (*1*) The State Government may, by notification, appoint a State Commissioner for Persons with Disabilities (hereinafter referred to as the "State Commissioner") for the purposes of this Act.

(*2*) A person shall not be qualified for appointment as the State Commissioner unless he has special knowledge or practical experience in respect of matters relating to rehabilitation.

(*3*) The salary and allowances payable to and other terms and conditions of service (including pension, gratuity and other retirement benefits) of the State Commissioner shall be such as may be prescribed by the State Government.

(*4*) The State Government shall determine the nature and categories of officers and other employees required to assist the State Commissioner in the discharge of his functions and provide the State Commissioner with such officers and other employees as it thinks fit.

(*5*) The officers and employees provided to the State Commissioner shall discharge his functions under the general superintendence and control of the State Commissioner.

(*6*) The salaries and allowances and other conditions of service of officers and employees shall be such as may be prescribed by the State Government.

(*7*) The State Commissioner shall be assisted by an advisory committee comprising of not more than five members drawn from the experts in the disability sector in such manner as may be prescribed by the State Government.

Functions of State Commissioner.

80. The State Commissioner shall—

(*a*) identify, *suo motu* or otherwise, provision of any law or policy, programme and procedures, which are in consistent with this Act, and recommend necessary corrective steps;

(*b*) inquire, *suo motu* or otherwise deprivation of rights of persons with disabilities and safeguards available to them in respect of matters for which the State Government is the appropriate Government and take up the matter with appropriate authorities for corrective action;

(*c*) review the safeguards provided by or under this Act or any other law for the time being in force for the protection of rights of persons with disabilities and recommend measures for their effective implementation;

(*d*) review the factors that inhibit the enjoyment of rights of persons with disabilities and recommend appropriate remedial measures;

(*e*) undertake and promote research in the field of the rights of persons with disabilities;

(*f*) promote awareness of the rights of persons with disabilities and the safeguards available for their protection;

(*g*) monitor implementation of the provisions of this Act and schemes, programmes meant for persons with disabilities;

(*h*) monitor utilisation of funds disbursed by the State Government for the benefits of persons with disabilities; and

(*i*) perform such other functions as the State Government may assign.

Action by appropriate authorities on recommendation of State Commissioner.

81. Whenever the State Commissioner makes a recommendation to an authority in pursuance of clause (*b*) of section 80, that authority shall take necessary action on it, and inform the State Commissioner of the action taken within three months from the date of receipt of the recommendation:

Provided that where an authority does not accept a recommendation, it shall convey reasons for non-acceptance to the State Commissioner for Persons with Disabilities within the period of three months, and shall also inform the aggrieved person.

Powers of State Commissioner.

82. (*1*) The State Commissioner shall, for the purpose of discharging their functions under this Act, have the same powers of a civil court as are vested in a court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely:— 5 of 1908.

(*a*) summoning and enforcing the attendance of witnesses;

(*b*) requiring the discovery and production of any documents;

(*c*) requisitioning any public record or copy thereof from any court or office;

(*d*) receiving evidence on affidavits; and

(*e*) issuing commissions for the examination of witnesses or documents.

(*2*) Every proceeding before the State Commissioner shall be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code and the State Commissioners shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

45 of 1860.

2 of 1974.

Annual and special reports by State Commissioner.

83. (*1*) The State Commissioner shall submit an annual report to the State Government and may at any time submit special reports on any matter, which, in its opinion, is of such urgency or importance that it shall not be deferred till submission of the annual report.

(*2*) The State Government shall cause the annual and the special reports of the State Commissioner for persons with disabilities to be laid before each House of State Legislature where it consists of two Houses or where such Legislature consist of one House, before that House along with a memorandum of action taken or proposed to be taken on the recommendation of the State Commissioner and the reasons for non-acceptance the recommendations, if any.

(*3*) The annual and special reports shall be prepared in such form, manner and contain such details as may be prescribed by the State Government.

CHAPTER XIII

SPECIAL COURT

Special Court.

84. For the purpose of providing speedy trial, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification, specify for each district, a Court of Session to be a Special Court to try the offences under this Act.

Special Public Prosecutor.

85. (*1*) For every Special Court, the State Government may, by notification, specify a Public Prosecutor or appoint an advocate, who has been in practice as an advocate for not less than seven years, as a Special Public Prosecutor for the purpose of conducting cases in that Court.

(*2*) The Special Public Prosecutor appointed under sub-section (*1*) shall be entitled to receive such fees or remuneration as may be prescribed by the State Government.

CHAPTER XIV

NATIONAL FUND FOR PERSONS WITH DISABILITIES

National Fund for persons with disabilities.

86. (*1*) There shall be constituted a Fund to be called the National Fund for persons with disabilities and there shall be credited thereto—

(*a*) all sums available under the Fund for people with disabilities, constituted *vide* notification No. S.O. 573 (*E*), dated the 11th August, 1983 and the Trust Fund for Empowerment of Persons with Disabilities, constituted *vide* notification No. 30-03/2004-DDII, dated the 21st November, 2006, under the Charitable Endowment Act, 1890.

6 of 1890.

(*b*) all sums payable by banks, corporations, financial institutions in pursuance of judgment dated the 16th April, 2004 of the Hon'ble Supreme Court in Civil Appeal Nos. 4655 and 5218 of 2000;

(*c*) all sums received by way of grant, gifts, donations, benefactions, bequests or transfers;

(*d*) all sums received from the Central Government including grants-in-aid;

(*e*) all sums from such other sources as may be decided by the Central Government.

(*2*) The Fund for persons with disabilities shall be utilised and managed in such manner as may be prescribed.

Accounts and audit.

87. (*1*) The Central Government shall maintain proper accounts and other relevant records and prepare an annual statement of accounts of the Fund including the income and expenditure accounts in such form as may be prescribed in consultation with the Comptroller and Auditor-General of India.

(*2*) The accounts of the Fund shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred by him in connection with such audit shall be payable from the Fund to the Comptroller and Auditor-General of India.

(*3*) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the audit of the accounts of the Fund shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India generally has in connection with the audit of the Government accounts, and in particular, shall have the right to demand production of books of account, connected vouchers and other documents and papers and to inspect any of the offices of the Fund.

(*4*) The accounts of the Fund as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon, shall be laid before each House of Parliament by the Central Government.

CHAPTER XV

STATE FUND FOR PERSONS WITH DISABILITIES

State Fund for persons with disabilities.

88. (*1*) There shall be constituted a Fund to be called the State Fund for persons with disabilities by a State Government in such manner as may be prescribed by the State Government.

(*2*) The State Fund for persons with disabilities shall be utilised and managed in such manner as may be prescribed by the State Government.

(*3*) Every State Government shall maintain proper accounts and other relevant records of the State Fund for persons with disabilities including the income and expenditure accounts in such form as may be prescribed by the State Government in consultation with the Comptroller and Auditor-General of India.

(*4*) The accounts of the State Fund for persons with disabilities shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred by him in connection with such audit shall be payable from the State Fund to the Comptroller and Auditor-General of India.

(*5*) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the State Fund for persons with disabilities shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India generally has in connection with the audit of the Government accounts, and in particular, shall have right to demand production of books of accounts, connected vouchers and other documents and papers and to inspect any of the offices of the State Fund.

(*6*) The accounts of the State Fund for persons with disabilites as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be laid before each House of the State Legislature where it consists of two Houses or where such Legislature consists of one House before that House.

CHAPTER XVI

OFFENCES AND PENALTIES

Punishment for contravention of provisions of Act or rules or regulations made thereunder.

89. Any person who contravenes any of the provisions of this Act, or of any rule made thereunder shall for first contravention be punishable with fine which may extend to ten thounsand rupees and for any subsequent contravention with fine which shall not be less than fifty thousand rupees but which may extend to five lakh rupees.

Offences by companies.

90. (*1*) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(*2*) Notwithstanding anything contained in sub-section (*1*), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(*a*) "company" means any body corporate and includes a firm or other association of individuals; and

(*b*) "director", in relation to a firm, means a partner in the firm.

Punishment for fraudulently availing any benefit meant for persons with benchmark disabilities.

91. Whoever, fraudulently avails or attempts to avail any benefit meant for persons with benchmark disabilities, shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to one lakh rupees or with both.

Punishment for offences of atrocities.

92. Whoever,—

(*a*) intentionally insults or intimidates with intent to humiliate a person with disability in any place within public view;

(*b*) assaults or uses force to any person with disability with intent to dishonour him or outrage the modesty of a woman with disability;

(*c*) having the actual charge or control over a person with disability voluntarily or knowingly denies food or fluids to him or her;

(*d*) being in a position to dominate the will of a child or woman with disability and uses that position to exploit her sexually;

(*e*) voluntarily injures, damages or interferes with the use of any limb or sense or any supporting device of a person with disability;

(*f*) performs, conducts or directs any medical procedure to be performed on a woman with disability which leads to or is likely to lead to termination of pregnancy without her express consent except in cases where medical procedure for termination of pregnancy is done in severe cases of disability and with the opinion of a registered medical practitioner and also with the consent of the guardian of the woman with disability,

shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine.

Punishment for failure to furnish information.

93. Whoever, fails to produce any book, account or other documents or to furnish any statement, information or particulars which, under this Act or any order, or direction made or given thereunder, is duty bound to produce or furnish or to answer any question put in pursuance of the provisions of this Act or of any order, or direction made or given thereunder, shall be punishable with fine which may extend to twenty-five thousand rupees in respect of each offence, and in case of continued failure or refusal, with further fine which may extend to one thousand rupees for each day, of continued failure or refusal after the date of original order imposing punishment of fine.

Previous sanction of appropriate Government.

94. No Court shall take cognizance of an offence alleged to have been committed by an employee of the appropriate Government under this Chapter, except with the previous sanction of the appropriate Government or a complaint is filed by an officer authorised by it in this behalf.

Alternative punishments.

95. Where an act or omission constitutes an offence punishable under this Act and also under any other Central or State Act, then, notwithstanding anything contained in any other law for the time being in force, the offender found guilty of such offence shall be liable to punishment only under such Act as provides for punishment which is greater in degree.

CHAPTER XVII

MISCELLANEOUS

Application of other laws not barred.

96. The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.

Protection of action taken in good faith.

97. No suit, prosecution or other legal proceeding shall lie against the appropriate Government or any officer of the appropriate Government or any officer or employee of the Chief Commissioner or the State Commissioner for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

Power to remove difficulties.

98. *(1)* If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions or give such directions, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid as soon as may be, after it is made, before each House of Parliament.

Power to amend Schedule.

99. *(1)* On the recommendations made by the appropriate Government or otherwise, if the Central Government is satisfied that it is necessary or expedient so to do, it may, by notification, amend the Schedule and any such notification being issued, the Schedule shall be deemed to have been amended accordingly.

(2) Every such notification shall, as soon as possible after it is issued, shall be laid before each House of Parliament.

Power of Central Government to make rules.

100. *(1)* The Central Government may, subject to the condition of previous publication, by notification, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the manner of constituting the Committee for Research on Disability under sub-section *(2)* of section 6;

(b) the manner of notifying the equal opportunity policy under sub-section *(1)* of section 21;

(c) the form and manner of maintaining records by every establishment under sub-section *(1)* of section 22;

(d) the manner of maintenance of register of complaints by grievance redressal officer under sub-section *(3)* of section 23;

(e) the manner of furnishing information and return by establishment to the Special Employment Exchange under section 36;

(f) the composition of the Assessment Board under sub-section *(2)* and manner of assessment to be made by the Assessment Board under sub-section *(3)* of section 38;

(g) rules for person with disabilites laying down the standards of accessibility under section 40;

(h) the manner of application for issuance of certificate of disability under sub-section *(1)* and form of certificate of disability under sub-section *(2)* of section 58;

(i) the allowances to be paid to nominated Members of the Central Advisory Board under sub-section *(6)* of section 61;

(j) the rules of procedure for transaction of business in the meetings of the Central Advisory Board under section 64;

(*k*) the salaries and allowances and other conditions of services of Chief Commissioner and Commissioners under sub-section (*4*) of section 74;

(*l*) the salaries and allowances and conditions of services of officers and staff of the Chief Commissioner under sub-section (*7*) of section 74;

(*m*) the composition and manner of appointment of experts in the advisory committee under sub-section (*8*) of section 74;

(*n*) the form, manner and content of annual report to be prepared and submitted by the Chief Commissioner under sub-section (*3*) of section 78;

(*o*) the procedure, manner of utilisation and management of the Fund under sub-section (*2*) of section 86; and

(*p*) the form for preparation of accounts of Fund under sub-section (*1*) of section 87.

(*3*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power of State Government to make rules.

101. (*1*) The State Government may, subject to the condition of previous publication, by notification, make rules for carrying out the provisions of this Act, not later than six months from the date of commencement of this Act.

(*2*) In particular, and without prejudice to the generality of foregoing powers, such rules may provide for all or any of the following matters, namely:—

(*a*) the manner of constituting the Committee for Research on Disablity under sub-section (*2*) of section 5;

(*b*) the manner of providing support of a limited guardian under sub-section (*1*) of section 14;

(*c*) the form and manner of making an application for certificate of registration under sub-section (*1*) of section 51;

(*d*) the facilities to be provided and standards to be met by institutions for grant of certificate of registration under sub-section (*3*) of section 51;

(*e*) the validity of certificate of registration, the form of, and conditions attached to, certificate of registration under sub-section (*4*) of section 51;

(*f*) the period of disposal of application for certificate of registration under sub-section (*7*) of section 51;

(*g*) the period within which an appeal to be made under sub-section (*1*) of section 53;

(*h*) the time and manner of appealing against the order of certifying authority under sub-section (*1*) and manner of disposal of such appeal under sub-section (*2*) of section 59;

(*i*) the allowances to be paid to nominated Members of the State Advisory Board under sub-section (*6*) of section 67;

(*j*) the rules of procedure for transaction of business in the meetings of the State Advisory Board under section 70;

(*k*) the composition and functions of District Level Committee under section 72;

(*l*) salaries, allowances and other conditions of services of the State Commissioner under sub-section (*3*) of section 79;

(*m*) the salaries, allowances and conditions of services of officers and staff of the State Commissioner under sub-section (*3*) of section 79;

(*n*) the composition and manner of appointment of experts in the advisory committe under sub-section (*7*) of section 79;

(*o*) the form, manner and content of annual and special reports to be prepared and submitted by the State Commissioner under sub-section (*3*) of section 83;

(*p*) the fee or remuneration to be paid to the Special Public Prosecutor under sub-section (*2*) of section 85;

(*q*) the manner of constitution of State Fund for persons with disabilities under sub-section (*1*), and the manner of utilisation and management of State Fund under sub-section (*2*) of section 88;

(*r*) the form for preparation of accounts of the State Fund for persons with disabilities under sub-section (*3*) of section 88.

(*3*) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such State Legislature consists of one House, before that House.

Repeal and savings.

102. (*1*) The Persons with Disabilities (Equal Opportunity Protection of Rights and Full Participation) Act, 1995 is hereby repealed.

1 of 1996.

(*2*) Notwithstanding the repeal of the said Act, anything done or any action taken under the said Act, shall be deemed to have been done or taken under the corresponding provisions of this Act.

THE SCHEDULE

[*See* clause (*zc*) of section 2]

SPECIFIED DISABILITY

1. Physical disability.—

A. Locomotor disability (a person's inability to execute distinctive activities associated with movement of self and objects resulting from affliction of musculoskeletal or nervous system or both), including—

(*a*) "leprosy cured person" means a person who has been cured of leprosy but is suffering from—

(*i*) loss of sensation in hands or feet as well as loss of sensation and paresis in the eye and eye-lid but with no manifest deformity;

(*ii*) manifest deformity and paresis but having sufficient mobility in their hands and feet to enable them to engage in normal economic activity;

(*iii*) extreme physical deformity as well as advanced age which prevents him/her from undertaking any gainful occupation, and the expression "leprosy cured" shall construed accordingly;

(*b*) "cerebral palsy" means a Group of non-progressive neurological condition affecting body movements and muscle coordination, caused by damage to one or more specific areas of the brain, usually occurring before, during or shortly after birth;

(*c*) "dwarfism" means a medical or genetic condition resulting in an adult height of 4 feet 10 inches (147 centimeters) or less;

(*d*) "muscular dystrophy" means a group of hereditary genetic muscle disease that weakens the muscles that move the human body and persons with multiple dystrophy have incorrect and missing information in their genes, which prevents them from making the proteins they need for healthy muscles. It is characterised by progressive skeletal muscle weakness, defects in muscle proteins, and the death of muscle cells and tissue;

(*e*) "acid attack victims" means a person disfigured due to violent assaults by throwing of acid or similar corrosive substance.

B. Visual impairment—

(*a*) "blindness" means a condition where a person has any of the following conditions, after best correction—

(*i*) total absence of sight; or

(*ii*) visual acuity less than 3/60 or less than 10/200 (Snellen) in the better eye with best possible correction; or

(*iii*) limitation of the field of vision subtending an angle of less than 10 degree.

(*b*) "low-vision" means a condition where a person has any of the following conditons, namely:—

(*i*) visual acuity not exceeding 6/18 or less than 20/60 upto 3/60 or upto 10/200 (Snellen) in the better eye with best possible corrections; or

(*ii*) limitation of the field of vision subtending an angle of less than 40 degree up to 10 degree.

C. Hearing impairment—

(*a*) "deaf" means persons having 70 DB hearing loss in speech frequencies in both ears;

(*b*) "hard of hearing" means person having 60 DB to 70 DB hearing loss in speech frequencies in both ears;

D. "speech and language disability" means a permanent disability arising out of conditions such as laryngectomy or aphasia affecting one or more components of speech and language due to organic or neurological causes.

2. Intellectual disability, a condition characterised by significant limitation both in intellectual functioning (rasoning, learning, problem solving) and in adaptive behaviour which covers a range of every day, social and practical skills, including—

(*a*) "specific learning disabilities" means a heterogeneous group of conditions wherein there is a deficit in processing language, spoken or written, that may manifest itself as a difficulty to comprehend, speak, read, write, spell, or to do mathematical calculations and includes such conditions as perceptual disabilities, dyslexia, dysgraphia, dyscalculia, dyspraxia and developmental aphasia;

(*b*) "autism spectrum disorder" means a neuro-developmental condition typically appearing in the first three years of life that significantly affects a person's ability to communicate, understand relationships and relate to others, and is frequently associated with unusal or stereotypical rituals or behaviours.

3. Mental behaviour,—

"mental illness" means a substantial disorder of thinking, mood, perception, orientation or memory that grossly impairs judgment, behaviour, capacity to recognise reality or ability to meet the ordinary demands of life, but does not include retardation which is a conditon of arrested or incomplete development of mind of a person, specially characterised by subnormality of intelligence.

4. Disability caused due to—

(*a*) chronic neurological conditions, such as—

(*i*) "multiple sclerosis" means an inflammatory, nervous system disease in which the myelin sheaths around the axons of nerve cells of the brain and spinal cord are damaged, leading to demyelination and affecting the ability of nerve cells in the brain and spinal cord to communicate with each other;

(*ii*) "parkinson's disease" means a progressive disease of the nervous system marked by tremor, muscular rigidity, and slow, imprecise movement, chiefly affecting middle-aged and elderly people associated with degeneration of the basal ganglia of the brain and a deficiency of the neurotransmitter dopamine.

(*b*) Blood disorder—

(*i*) "haemophilia" means an inheritable disease, usually affecting only male but transmitted by women to their male children, characterised by loss or impairment of the normal clotting ability of blood so that a minor would may result in fatal bleeding;

(*ii*) "thalassemia" means a group of inherited disorders characterised by reduced or absent amounts of haemoglobin.

(*iii*) "sickle cell disease" means a hemolytic disorder characterised by chronic anemia, painful events, and various complications due to associated

tissue and organ damage; "hemolytic" refers to the destruction of the cell membrane of red blood cells resulting in the release of hemoglobin.

5. Multiple Disabilities (more than one of the above specified disabilities) including deaf blindness which means a condition in which a person may have combination of hearing and visual impairments causing severe communication, developmental, and educational problems.

6. Any other category as may be notified by the Central Government.

संचालक, मुद्रण तथा लेखन सामग्री, छत्तीसगढ़ द्वारा शासकीय मुद्रणालय, रायपुर से मुद्रित तथा प्रकाशित - 2017.

"बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी.2-22-छत्तीसगढ़ गजट / 38 सि. से. भिलाई, दिनांक 30-05-2001."

पंजीयन क्रमांक
"छत्तीसगढ़/दुर्ग/09/2013-2015."

छत्तीसगढ़ राजपत्र

(असाधारण)
प्राधिकार से प्रकाशित

क्रमांक 409-B] रायपुर, शुक्रवार, दिनांक 15 सितम्बर 2017 — भाद्रपद 24, शक 1939

विधि और विधायी कार्य विभाग
मंत्रालय, महानदी भवन, नया रायपुर

रायपुर, दिनांक 15 सितम्बर 2017

क्रमांक 8579/डी. 193/21-अ/प्रा./छ. ग./17.— भारत सरकार, विधि और न्याय मंत्रालय, विधायी विभाग के पत्र क्रमांक F. No.1(84)/2016-L. I, F. No.1(75)/2013-L. I, F. No.1(92)/2016-L. I, F. No.1(3)/2017-L. I, F. No.1(6)/2016-L. I, F. No.1(15)/2017-L. I, F. No.1(3)/2016-L. I एवं F. No.1(6)/2017-L. I, नई दिल्ली, दिनांक 01-06-2017 के अनुसरण में दि एप्रोप्रियेशन (क्र. 4) एक्ट, 2016 (क्र. 50 सन् 2016) एतद्द्वारा सर्वसाधारण की जानकारी हेतु पुन: प्रकाशित की जाती है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
व्ही. के. होता, अतिरिक्त सचिव.

THE APPROPRIATION (No. 4) ACT, 2016

AN
ACT

to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31st *day of March,* 2014, *in excess of the amounts granted for those services and for that year.*

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Appropriation (No. 4) Act, 2016.

Issue of Rs. 773,31,04,483 out of the Consolidated Fund of India to meet certain excess expenditure for the year ended on the 31st March, 2014.

2. From and out of the Consolidated Fund of India, the sums specified in column 3 of the Schedule, amounting in the aggregate to the sum of seven hundred seventy-three crore thirty-one lakh four thousand four hundred eighty-three rupees shall be deemed to have been authorised to be paid and applied to meet the amounts spent for defraying the charges in respect of the services specified in column 2 of the Schedule during the financial year ended on the 31st day of March, 2014, in excess of the amounts granted for those services and for that year.

Appropriation.

3. The sums deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of India under this Act shall be deemed to have been appropriated for the services and purposes expressed in the Schedule in relation to the financial year ended on the 31st day of March, 2014.

THE SCHEDULE

(*See* sections 2 and 3)

1	2	3		
No. of Vote	Services and purposes	Excess		
		Voted portion	Charged portion	Total
		Rs.	Rs.	Rs.
20	Ministry of Defence .... Revenue	35,88,89,749	...	35,88,89,749
21	Defence Pensions .... Revenue	...	*74,86,943*	74,86,943
23	Defence Services — Navy .... Revenue	120,40,30,532	...	120,40,30,532
24	Defence Services – Air Force .... Revenue	186,72,28,987	...	186,72,28,987
25	Defence Ordnance Factories .... Revenue	425,73,40,471	*85,94,831*	426,59,35,302
32	Ministry of External Affairs .... Capital	2,95,32,970	...	2,95,32,970
	TOTAL	771,70,22,709	*1,60,81,774*	773,31,04,483

संचालक, मुद्रण तथा लेखन सामग्री, छत्तीसगढ़ द्वारा शासकीय मुद्रणालय, रायपुर से मुद्रित तथा प्रकाशित - 2017.